



# MEMO ENDORSED

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February 7, 2006

**BY FAX**

The Honorable James C. Francis IV  
United States Magistrate Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street - Room 1960  
New York, New York 10007-1312

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DOCKET  
IN ALL CASES

Re: Crotty, et al. v. The City of New York, et al. (USDC SDNY 05 CV 7577 (KMK) (JCF))  
Abdell, et al. v. The City of New York, et al. (USDC SDNY 05 CV 8453 (KMK) (JCF))  
Scharf v. The City of New York, et al. (USDC SDNY 05 CV 10012) (KMK) (JCF))

Dear Judge Francis:

On January 24, 2006, Your Honor ordered that plaintiffs in the above-captioned actions "provide to defendants properly executed releases within ten (10) days of your order . . . or be subject to the dismissal of their claims." (Exh. "A" hereto). Although plaintiffs have had months to execute and return these simple forms (see Exh. "A" hereto), plaintiffs Kavita Kukarni (Crotty), Laura Kressley (Abdell) and Andrea Scharf (Scharf) have not complied with your Order. Accordingly, Defendants respectfully request that you dismiss all of the claims of these plaintiffs with prejudice. See Rule 37(b)(2), 41(b) of the Federal Rules of Civil Procedure.

Very truly yours,

James Mirro

cc: Counsel in the captioned cases (by email)  
Peter Farrell  
Fred Weiler  
Jed Weiss  
Jeff Dougherty

Application denied with respect to plaintiff Laura Kressley, as the release has been provided. Application granted as unopposed with respect to plaintiff Kavita Kukarni to the extent that any claim for mental or emotional distress is dismissed. Plaintiff Andrea Scharf has been dealt with by separate order.

SO ORDERED.  
James C. Francis IV  
USMJ